

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 02-0048 MMC

Plaintiff,

**ORDER RE: DEFENDANT'S NOTICE OF
"EMERGENCY MOTION"**

v.

MARVIN C. HALE,

Defendant

The Court is in receipt of defendant Marvin C. Hale's "Notice of Emergency Motion and Emergency Motion Pursuant Circuit Rule 27-3," and "Emergency Motion Pursuant to Circuit Rule 27-3 Re: Motion for Emergency Hearing," both filed September 27, 2007.

The Rule on which defendant relies is applicable in the Court of Appeals, not the district court, and, in any event, defendant has made an insufficient showing for the "emergency" relief sought. Accordingly, to the extent defendant, by said filings, seeks a hearing on October 3, 2007, defendant's request is hereby DENIED. The above-titled action remains on the Court's October 31, 2007 calendar, as scheduled.

IT IS SO ORDERED.

Dated: September 28, 2007


MAXINE M. CHESNEY
United States District Judge